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HOMICIDE—EVIDENCE—DYING DECLARATIONS.—*PEOPLE v. BRECHT*, 105 N. Y. SUPP. 436.—The victim of a criminal operation for abortion in answer to categorical questions by the coroner, stated that she believed she was about to die and that she hoped God would let her recover.—*Held*, not sufficient to establish a belief of impending death and abandonment of hope of recovery necessary for the reception of her statement as a dying declaration.

The situation attending a dying declaration is of such a character that it is considered by the law as creating an obligation equal to that which is imposed by a positive oath administered in a court of justice. *Woodcock's Case*, 1 Leach 500. They must be made under sense of impending death and deceased himself must be conscious of his condition. *Montgomery v. State*, 11 Ohio 424; if he has any hope of recovery they are inadmissible. *Com. v. Roberts*, 108 Mass. 296. He need not apprehend immediate dissolution. *Com. v. Cooper*, 5 Allen 495; and such apprehension may be expressed in words or implied from circumstances. *Dunn v. State*, 2 Ark. 229. Such evidence is admissible only in cases of homicide. *Wilson v. Boerem*, 15 Johns 286; and where the indictment is for the murder of the party making the declarations. *Brown v. Com.*, 73 Pa. 329.

HUSBAND AND WIFE—ALIENATION OF AFFECTIONS—WIFE'S RIGHT TO SUE.—*WHITE v. WHITE*, 90 P. 1087 (KAN.).—*Held*, that the wife has a right of action for the alienation of the affections of her husband.

At common law, the legal existence of the wife was, for most purposes, suspended during coverture. 1 Bl. Com. 442. It was said that her right with respect to her husband's affections and companionship existed but remained in abeyance because of her disability to sue without joining her husband. *Bennett v. Bennett*, 116 N. Y. 584. And that the husband could not be joined with the wife in redress for a wrong in which he was a participant. *Bassett v. Bassett*, 20 Ill. App. 543. But under modern statutes, giving the wife the right to sue in her own name, her disability is removed and no obstacle remains to the enforcement of her right. *Westlake v. Westlake*, 34 Ohio St. 621. Some courts, however, have denied that the wife had any property right in her husband at common law. *Doe v. Roe*, 82 Me. 503. Holding that statutes giving limited property and contracting rights do not authorize the maintenance of such an action. *Lonstorf v. Lonstorf*, 118 Wis. 159. And that in the absence of an express statute she has no right to her husband's consortium. *Hodge v. Wetzler*, 69 N. J. L. 490. Neither has she the right to maintain an action for mere alienation of the affections of her husband. *Crocker v. Crocker*, 98 Fed. 702. Still, a majority of the courts of this country have entertained this action on behalf of the wife, some, even, without any discussion of her right to maintain it. *Bailey v. Bailey*, 94 Iowa 598; *Bowersox v. Bowersox*, 115 Mich. 24.

JUSTICE OF THE PEACE—DECISIONS REVIEWABLE—FINALITY OF DETERMINATION.—*VAN VLISSINGEN v. OLIVER ET AL.*, 113 N. W. 383 (MINN.).—*Held*, a judgment in favor of the defendant in a justice court, dismissing an action of forcible entry and unlawful detainer and for costs, upon the withdrawal of the plaintiff from the trial of the case, is a final judgment, and appealable by the plaintiff. *Lewis, J., dissenting.*

An appeal will lie only from a final judgment. *Denslow v. Dodendorf*, 47 Neb. 328. And a party cannot appeal from the general findings of a justice of the peace to the District Court, where no final judgment has been